



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/760,999

Filing Date

January 20, 2004

First Named Inventor

Mark Harbaugh

Art Unit

3731

Examiner Name

Erezo, Darwin P.

Attorney Docket Number

50642/287728

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):

Form PTO/SB/08/ (03 sheets)

30 Publications

**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Kilpatrick Stockton, LLP

Signature

Printed Name

Michael A. Bertelson

Date

June 19, 2006

Reg.  
No.

54,713

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

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Sean O'Rourke

Date

June 19, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: HARBAUGH, et al.

SERIAL NO.: 10/760,999 Group Art Unit: 3731

FILED: January 20, 2004 Examiner: EREZO, Darwin P.

FOR: SYSTEMS AND METHODS FOR PERFORMING  
MINIMALLY INVASIVE INCISIONS

Attorney Docket No.: 50642/287728

Date: *June 19, 2006*

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

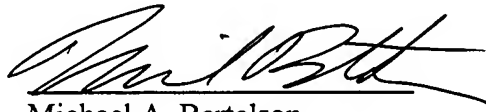
Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications and other materials are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

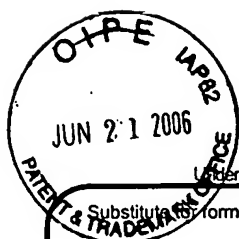
This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before the mailing date of an office action on the merits. Applicants believe that no fee is due for consideration of this paper. However, if a fee is due, the Commissioner is authorized to charge any fee due to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", written over a horizontal line.

Michael A. Bertelson  
Registration No. 54,713

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

**Complete if Known**

Application Number	10/760,999
Filing Date	January 20, 2004
First Named Inventor	Harbaugh
Art Unit	3731
Examiner Name	Erezo, Darwin P.
Attorney Docket Number	50642/287728

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 5,305,203	04-19-1994	Raab	
		US- 5,445,166	08-29-1995	Taylor	
		US- 2002/0032451 A1	03-14-2002	Tierney, et al.	
		US- 2004/0073279 A1	04-15-2004	Malackowski, et al.	
		US- 6,728,599	04-27-2004	Wang	
		US- 2004/0087852 A1	05-06-2004	Chen, et al.	
		US- 2004/0097952 A1	05-20-2004	Sarin, et al.	
		US- 6,785,593	08-31-2004	Wang	
		US- 6,799,088	09-28-2004	Wang	
		US- 2004/0254586	12-16-2004	Sarin	
		US- 6,836,703	12-28-2004	Wang	
		US- 2005/0021043	01-27-2005	Jansen	
		US- 6,871,117	03-22-2005	Wang	
		US- 6,892,112	05-10-2005	Wang	
		US- 2005/0149003 A1	07-07-2005	Tierney, et al.	
		US- 2005/0148843	07-07-2005	Roose	
		US- 2005/0177172	08-11-2005	Acker	
Examiner Signature				Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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STATEMENT BY APPLICANT**

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Sheet

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of

3

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Examiner Name	Erezo, Darwin P.
Attorney Docket Number	50642/287728

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 1986/05384	09-25-1986	Minnesota Mining and Manuf		
		WO 1989/09570	10-19-1989	Albrektsson		
		WO 2001/34050 A2 and A3	05-17-2001	Medtronic Surgical		
		WO 2003/034213 A2	04-24-2003	Z-KAT Inc.		
		WO 2003/037192 A1	05-08-2003	Sherry		
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		WO 2004/029908 A1	04-08-2004	Surgical Science		
		WO 2004/030556 A2	04-15-2004	Orthosoft, Inc.		
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		GB 2 397 769 A	08-04-2004	Sherry		Abstr
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		EP 0 327 509 B1	08-09-1989	Protek AG		
		EP 0 216 794 B1	12-13-1989	Minnesota Mining and Manuf		
		EP 1 149 562 A2	10-31-2001	Bristol-Myers Squibb		
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		EP 1 384 456 A2	01-28-2004	Biomet Inc.		
		EP 1 405 603 A2	04-07-2004	Bristol Myers Squibb		
		EP 1 435 223 A1	07-07-2004	DePuy		
		EP 1 459 686 A2	09-22-2004	Zimmer Tech.		
		EP 1 532 946 A2	05-25-2005	Biomet Manuf		

Examiner  
SignatureDate  
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STATEMENT BY APPLICANT**

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Sheet 3 of 3

**Complete if Known**

Application Number	10/760,999
Filing Date	January 20, 2004
First Named Inventor	Harbaugh
Art Unit	3731
Examiner Name	Erezo, Darwin P.
Attorney Docket Number	50642/287727

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Smith & Nephew Total Hip Replacement Surgery, HipReplacementInfo.com, 3 pages, 11/08/2005 <a href="http://www.hipreplacementinfo.com/hip-total-replacement.htm">http://www.hipreplacementinfo.com/hip-total-replacement.htm</a>	
		Smith & Nephew Brochure, Design Features, "Opera" pp. 4-15 (1999)	
		Corinth Surgeon Performs Revolutionary Hip Replacement, Mississippi Medical News, pp. 1-2 (11/17/2005) <a href="http://host1.bondware.com/~mississippi/news.php?viewStory=347">http://host1.bondware.com/~mississippi/news.php?viewStory=347</a>	
		Dario, et al., 'Smart Surgical Tools and Augmenting Devices,' IEEE Trans. Rob. Autom., 19(5):782-792 (2003)	
		Fernandez-Lozano, et al., 'Human-machine interface evaluation in a computer assisted surgical system,' Proc. IEEE Int. Conf. Rob. Autom., 2004:231-236 (2004)	
		Martelli, et al., 'Criteria of interface evaluation for computer assisted surgery systems,' Int. J. Med. Informatics, 72:35-45 (2003)	
		Visarius, et al., 'Man-machine interfaces in computer assisted surgery,' Computer Aided Surgery, pp. 102-107 (2004)	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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